

AMENDED IN SENATE JANUARY 21, 2003

SENATE BILL

No. 22

**Introduced by Senators Sher and Burton
(Coauthor: Senator Ducheny)**

December 2, 2002

An act to repeal ~~Section 8~~ *Sections 5 and 8* of Chapter 1154 of the Statutes of 2002, relating to mining, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 22, as amended, Sher. Surface mining and reclamation.

The existing Surface Mining and Reclamation Act of 1975 prohibits a person from conducting surface mining operations without obtaining a permit from the lead agency for those operations, and submitting and receiving approval for a reclamation plan and financial assurances from the lead agency.

Under existing law, on and after January 1, 2003, certain requirements apply to a lead agency, but these requirements are not operative unless SB 1828 is enacted and becomes effective on or before January 1, 2003. These requirements prohibit a lead agency from approving a reclamation plan and financial assurances for a surface mining operation for gold, silver, copper, or other metallic minerals that is located on, or within one mile of, any Native American sacred site, as defined, and in an area of special concern, as defined, unless the reclamation plan requires that all excavation be backfilled and graded to achieve the approximate original contours of the mined lands prior to mining, and the financial assurances are sufficient in amount to provide for the backfilling and grading.

Any surface mining operation in existence on January 1, 2003, for which the lead agency has issued final approval of a reclamation plan and the financial assurances prior to September 1, 2002, and any amended reclamation plan or financial assurances that are necessary for the continued operation or expansion of a surface mining operation in existence on January 1, 2003, as specified, would be exempt from those requirements. The requirements also would extend the time for the Director of Conservation to remediate or complete reclamation of abandoned mined lands from January 1, 2003, to January 1, 2007, and require the director, not later than January 1 of each year, to report to the Legislature on any abandoned mine remediation projects that are proposed for the following year.

This bill would repeal the provision making the operation of those changes contingent on the enactment of SB 1828 on or before January 1, 2003. By repealing the contingent operation of those provisions, the bill would make operative all of the changes specified above. The bill would provide that those changes are operative on the effective date of this bill. *The bill would make a related change.*

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5 of Chapter 1154 of the Statutes of 2002
2 is repealed.

3 ~~SEC. 5. Section 21066.5 of the Public Resources Code, as~~
4 ~~proposed to be added by Senate Bill 1828 of the 2001-02 Regular~~
5 ~~Session, is repealed.~~

6 SEC. 2. Section 8 of Chapter 1154 of the Statutes of 2002 is
7 repealed.

8 ~~SEC. 2.~~

9 SEC. 3. Chapter 1154 of the Statutes of 2002 is operative upon
10 the effective date of this act.

11 ~~SEC. 3.~~

12 SEC. 4. This act is an urgency statute necessary for the
13 immediate preservation of the public peace, health, or safety
14 within the meaning of Article IV of the Constitution and shall go
15 into immediate effect. The facts constituting the necessity are:



1 To prevent the imminent destruction of important Native
2 American sacred sites threatened by proposed strip mining and to
3 ensure these mining activities are adequately mitigated through
4 implementation of new state reclamation requirements at the
5 earliest opportunity, it is necessary that this act take effect
6 immediately.

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